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10 Co-Lead Counsel for Plaintiffs

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re FINISAR CORP. DERIVATIVE LITIGATION ) Master File No. C-06-07660-RMW  
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This Document Relates To: ) STIPULATION AND [ ] ORDER  
 ) EXTENDING THE DEADLINE FOR  
 ) FILING A MOTION FOR SUBSTITUTION  
 ) PURSUANT TO RULE 25(a)  
 )  
ALL ACTIONS. )

1        WHEREAS, the Supplemental Second Amended Consolidated Verified Shareholder  
2 Derivative Complaint (the “SSAC”), the operative complaint in this matter, was filed on June 3,  
3 2008 (Dkt. Nos. 62-65);

4        WHEREAS, the SSAC named defendants Jan Lipson and Larry D. Mitchell, among other  
5 defendants;

6        WHEREAS, Larry D. Mitchell passed away on January 22, 2010;

7        WHEREAS, Jan Lipson passed away on July 18, 2010;

8        WHEREAS, the parties’ Request for Case Management Conference and Joint Case  
9 Management Conference Statement, filed on August 19, 2011 (Dkt. No. 112), made note of  
10 Mr. Mitchell’s and Mr. Lipson’s passing, arguably triggering the 90-day period within which any  
11 party may file a motion for substitution of a party pursuant to Rule 25(a) of the Federal Rules of  
12 Civil Procedure;

13        WHEREAS, in order to preserve the pending claims, and in light of the parties’ upcoming  
14 mediation, the parties wish to extend the deadline by which a party must file a motion for  
15 substitution pursuant to Rule 25(a), until February 17, 2012; and

16        WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial  
17 efficiency and will not cause prejudice to any party;

18        THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs, the Lipson  
19 2000 Revocable Trust Under Agreement Dated September 28, 2000 and the Mitchell Revocable  
20 Family Trust, through their respective counsel, subject to approval of the Court as follows:

21        1.        The date within which any party must file a motion for substitution pursuant to Rule  
22 25(a) is extended until February 17, 2012.

23        IT IS SO STIPULATED.

24 DATED: November 17, 2011

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SHAWN A. WILLIAMS  
CHRISTOPHER M. WOOD

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s/ Christopher M. Wood  
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15 Co-Lead Counsel for Plaintiffs

16 DATED: November 17, 2011  
17 HOWARD RICE NEMEROVSKI CANADY  
18 FALK & RABKIN, P.C.

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20 SARAH A. GOOD

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23 Attorneys for Defendants  
24 DAVID BUSE, JOHN DRURY, MARK  
25 FARLEY, JOSEPH YOUNG and STEPHEN K.  
26 WORKMAN and for the LIPSON 2000  
27 REVOCABLE TRUST UNDER AGREEMENT  
28 DATED SEPTEMBER 28, 2000

29 DATED: November 17, 2011  
30 DLA PIPER  
31 DAVID A. PRIEBE

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Attorneys for Nominal Defendant FINISAR  
CORPORATION and the MITCHELL  
REVOCABLE FAMILY TRUST

I, Christopher M. Wood, am the ECF User whose identification and password are being used  
to file the Stipulation and [Proposed] Order Extending the Deadline for Filing a Motion for  
Substitution Pursuant to Rule 25(a). In compliance with General Order 45.X.B, I hereby attest that  
Sarah A. Good and David A. Priebe have concurred in this filing.

DATED: November 17, 2011

By: s/ Christopher M. Wood  
CHRISTOPHER M. WOOD

\* \* \*

**O R D E R**

Having considered the parties' Stipulation, and good cause appearing, the Court hereby  
GRANTS the parties' Stipulation.

IT IS SO ORDERED.

DATED: FFEDJDF

*Ronald M. Whyte*  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE